

FIFTY-FIRST DAY

(Continued)

(Tuesday, April 26, 1955)

After Recess

The Senate met at 10:00 o'clock a. m. and was called to order by the President.

Leave of Absence

Senator Weinert was granted leave of absence for today on account of illness in the family on motion of Senator Lane.

Senate Bill 359 on Second Reading

The President laid before the Senate as pending business S. B. No. 359 on its second reading (the bill having been read the second time on yesterday) with an amendment by Senator Phillips pending.

Question—Shall the amendment by Senator Phillips to S. B. No. 359 be adopted?

Senator Phillips by unanimous consent withdrew the pending amendment.

Senator Phillips offered the following amendment to the bill:

Amend Section 3, line 63, S. B. No. 359, by striking out the words "students and other persons."

The amendment was adopted.

On motion of Senator Corbin and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill, as amended, was passed to engrossment.

Senate Bill 359 on Third Reading

Senator Corbin moved that Senate Rule 32 and the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 359 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Aikin	Corbin
Ashley	Hardeman
Bracewell	Kazen
Colson	Kelley

Lane	Rogers
Latimer	of Childress
Moffett	Rogers of Travis
Moore	Secrest
Owen	Shireman
Parkhouse	Strauss
Phillips	Wagonseller
Ratliff	Willis
Roberts	

Absent

Fuller	Martin
Hazlewood	McDonald

Absent—Excused

Fly	Weinert
Lock	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Senate Resolution 282

Senator Moffett by unanimous consent offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Honorable O. L. Bell, former County Judge and County Attorney of Hardeman County, and Mr. John Sampley, a prominent citizen of Hardeman County, both of Quanah, Texas; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate, and the privilege of the floor for the day.

The resolution was read and was adopted.

Reports of Standing Committees

Senator Hardeman by unanimous consent submitted the following reports:

Austin, Texas,
April 26, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 398, have had the same under consideration, and we are instructed to report it back to the Senate with

the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,
April 26, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 364, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,
April 26, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 362, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,
April 26, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 363, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Senator Ratliff by unanimous consent submitted the following report:

Austin, Texas,
April 26, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Public Debts, Claims and Accounts, to whom was referred S. B. No. 171, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

RATLIFF, Chairman.

Senator Secrest, by unanimous consent, submitted the following reports:

Austin, Texas,
April 26, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. C. R. No. 42, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SECREST, Vice-Chairman.

Austin, Texas,
April 26, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. C. R. No. 101, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SECREST, Vice-Chairman.

Austin, Texas,
April 26, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. C. R. No. 45, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SECREST, Vice-Chairman.

Austin, Texas,
April 26, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 234, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SECREST, Vice-Chairman.

Austin, Texas,
April 26, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. C. R. No. 96, have had the same under consideration, and we are in-

structed to report it back to the Senate with the recommendation that it do pass and be printed.

SECREST, Vice-Chairman.

Senator Rogers of Travis, by unanimous consent, submitted the following report:

Austin, Texas,
April 25, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred S. B. No. 240, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass, but that the committee substitute in lieu thereof do pass and be printed.

ROGERS of Travis, Chairman.

C. S. S. B. No. 240 was read the first time.

Senate Concurrent Resolution 49

Senator Bracewell, by unanimous consent, offered the following resolution:

S. C. R. No. 49, Recalling H. B. No. 153 from the Governor's Office.

Be it resolved by the Senate of Texas, the House of Representatives concurring, That the Governor be requested to return H. B. 153 to the Senate for the purpose of making corrections.

The resolution was read.

On motion of Senator Bracewell, and by unanimous consent, the resolution was considered immediately, and was adopted.

Motion to Place Senate Bill 99 on Second Reading

Senator Shireman asked unanimous consent to suspend the regular order of business and take up S. B. No. 99 for consideration at this time.

There was objection.

Senator Shireman then moved to suspend the regular order of business and take up S. B. No. 99 for consideration at this time.

The motion was lost by the following vote (not receiving two-thirds vote of the Members present):

Yeas—15

Aikin

Ashley

Corbin
Fuller
Hardeman
Kazen
Kelley
McDonald
Moore

Owen
Roberts
Secrest
Shireman
Wagonseller
Willis

Nays—11

Bracewell
Colson
Lane
Latimer
Martin
Moffett

Parkhouse
Phillips
Rogers
of Childress
Rogers of Travis
Strauss

Absent

Hazlewood

Ratliff

Absent—Excused

Fly
Lock

Weinert

Motion to Place Senate Bill 80 on Second Reading

Senator Parkhouse asked unanimous consent to suspend the regular order of business and take up S. B. No. 80 for consideration at this time.

There was objection.

Senator Parkhouse then moved to suspend the regular order of business and take up S. B. No. 80 for consideration at this time.

The motion was lost by the following vote (not receiving two-thirds vote of the Members present):

Yeas—17

Aikin
Ashley
Bracewell
Colson
Corbin
Fuller
Hazlewood
Kazen
Kelley

McDonald
Moffett
Parkhouse
Phillips
Ratliff
Rogers of Travis
Secrest
Willis

Nays—11

Hardeman
Lane
Latimer
Martin
Moore
Owen

Roberts
Rogers
of Childress
Shireman
Strauss
Wagonseller

Absent—Excused

Fly
Lock

Weinert

Message from the House

Hall of the House of Representatives
Austin, Texas,
April 26, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that:

The House has concurred in Senate amendments to House Bill No. 495 by viva voce vote.

The House refused to concur in Senate amendments to House Bill No. 284, and has requested the appointment of a conference committee to consider the differences between the two Houses by viva voce vote. House has appointed the following conference committee on H. B. No. 284: Smith of Tarrant, Pyle, McDonald, Cowen, Moore of Tarrant.

The House refused to concur in Senate amendments to House Bill No. 683, and has requested the appointment of a conference committee to consider the differences between the two Houses, by viva voce vote.

The House has concurred in Senate amendments to House Bill No. 405 by vote of 137 yeas, 0 nays and 1 present not voting.

The House has concurred in Senate amendments to House Bill No. 42 by viva voce vote.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

House Bill 670 on Second Reading

On motion of Senator Kelley, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 670, A bill to be entitled "An Act amending House Bill 705, Acts of the 51st Legislature, Regular Session, 1949, Chapter 538, Page 988, by amending Sections 4 and 5; providing for a fifteen (15) member Board and for the appointment thereof; clarifying and extending functions of the Executive Committee; providing a repealing clause, a saving clause; and declaring an emergency."

The bill was read second time and was passed to third reading.

On motion of Senator Aikin, and by unanimous consent, the vote by which H. B. No. 670 passed to third reading was reconsidered and the bill was placed on its second reading.

Senator Aikin offered the following amendment to the bill:

Amend House Bill No. 670 by striking out all below the enacting clause and inserting in lieu thereof the following:

"Section 1. Amend Section 4 of House Bill 705, Acts of the 51st Legislature, Regular Session, 1949, Chapter 538, Page 988, so as to hereafter read as follows:

"Section 4. (a) The State Youth Development Council, which was created by House Bill No. 705, Acts of the 51st Legislature, Regular Session, 1949, Chapter 538, Page 988, and being cited in Vernon's Texas Civil Statutes as Article 5143c, is hereby transferred to the State Department of Public Welfare. The State Department of Public Welfare shall succeed to and be vested with all of the rights, powers, duties, facilities, personnel, records, and appropriations now held, and which will be appropriated for the biennium beginning September 1, 1955, by the State Youth Development Council. The State Department of Public Welfare shall have the management, government, administration, and control of the three (3) schools for delinquent children, namely, the State School for Boys, Gatesville, Texas, the State School for Girls, Gainesville, Texas, and the State School for Colored Girls, Crockett, Texas, and all other facilities hereafter established by the State for the custody, diagnosis, care and training of delinquent children committed to the State; and upon the transfer of said training schools to the State Department, the said Department shall be vested with the same rights, powers, duties, and authority in the supervision and administration of these institutions as was heretofore vested in the State Youth Development Council.

"In addition to those employees transferred to the State Department of Public Welfare from the State Youth Development Council and the Schools under its supervision, the State Department of Public Welfare may employ such other personnel as is required for the efficient operation of the program and within the limitations of the appropriations provided therefor.

"There is hereby transferred to the State Department of Public Welfare any balance in the funds for the State Youth Development Council and/or the training schools under its management and the expenditure of such balances shall be under the direction of the State Department of Public Welfare and in accordance with the appropriation therefor.

"(b) There is hereby created an Advisory Board on Juvenile Delinquency which shall work in conjunction with the State Department of Public Welfare on the prevention and control of juvenile delinquency. The Advisory Board shall consist of nine (9) members to be appointed by the Governor. Said members shall be appointed for a term of six years, except that initially three (3) members shall be appointed for a six (6) year term, three (3) members for a four (4) year term, and three (3) members for a two (2) year term. The members shall be eligible for reappointment. A vacancy for an unexpired term shall be filled by the Governor. The members shall each receive a per diem of Ten Dollars (\$10.00) for not exceeding sixty (60) days for any fiscal year.

"(c) A member of the Advisory Board on Juvenile Delinquency shall be designated by the Governor as Chairman of the Board and shall preside over all meetings of said Board.

"(d) The Board shall be advisory in nature and shall make recommendations to the State Department of Public Welfare concerning the prevention and control of juvenile delinquency.

"Section 2. Amend Section 5 of House Bill 705, Acts of the 51st Legislature, Regular Session, 1949, Chapter 538, Page 988, so as to hereafter read as follows:

"Section 5. The Board of Public Welfare shall be responsible for the adoption of all policies and may make all rules appropriate to the proper accomplishments of its functions.

"The powers and duties of the Board in respect to placement for training and treatment, transfer, release under supervision, and discharge of delinquent children committed to the Board shall be exercised and performed by the Executive Director. The Executive Director may delegate the powers and duties vested in him by this section to any member or employee of the State Department of Public Welfare.

"All powers, duties and functions. granted to or imposed on the Board or

State Department of Public Welfare by any provision of law may be exercised and performed by the Executive Director or by any member or employee designated or assigned by the Board or the Executive Director.

"Section 3. The effective date of this Act shall be September 1, 1955, and all transfers made herein shall be effective as of that date.

"From and after the effective date of this Act, the State Youth Development Council as established in House Bill 705, Acts of the 51st Legislature, Regular Session, 1949, shall cease to exist and from and after that date the powers, duties, rights, responsibilities and authority vested in said Council shall be transferred to and made a part of the State Department of Public Welfare, and it is provided further that wherever the word "Council" appears elsewhere in the Law, it shall be deemed to mean the State Department of Public Welfare.

"Section 4. All laws or parts of laws in conflict herewith are hereby repealed to the extent of such conflict only.

"Section 5. If any section, subsection, paragraph, sentence, clause, phrase, or word in this Act, or application thereof to any person or circumstance is held invalid, such holding shall not affect the validity of the remaining portions of this Act, and the Legislature hereby declares it would have passed such remaining portions despite such invalidity.

"Section 6. The fact that the State Department of Public Welfare is already charged with the responsibility of administering many of the Laws relating to children and youth; the fact that the responsibilities, duties, and powers of the State Youth Development Council are so similar to the responsibilities, duties, and powers of the State Department of Public Welfare; the further fact that the State Department of Public Welfare has employees headquartered in all of the 254 counties in the State and said employees are equipped to perform the services required for field personnel for the State Youth Development Council, create an emergency and an imperative public necessity that the Constitutional rule requiring bills to be read on three (3) several days in each House and the Constitutional rule requiring bills to take effect and go into force ninety (90) days after adjournment be suspended, and the same are hereby suspended, and this Act shall take effect and be in force

from and after its passage, and it is so enacted."

The amendment was adopted.

On motion of Senator Aikin, and by unanimous consent, the caption was amended to conform to the body of the bill, as amended.

The bill, as amended, was passed to third reading.

House Bill 670 on Third Reading

Senator Kelley moved that Senate Rule 32 and the Constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 670 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Moffett
Ashley	Moore
Bracewell	Owen
Colson	Parkhouse
Corbin	Phillips
Fuller	Ratliff
Hardeman	Rogers
Hazlewood	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Lane	Shireman
Latimer	Strauss
Martin	Wagonseller
McDonald	Willis

Nays—1

Roberts

Absent—Excused

Fly	Weinert
Lock	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Lane
Ashley	Latimer
Bracewell	Martin
Colson	McDonald
Corbin	Moffett
Fuller	Moore
Hardeman	Owen
Hazlewood	Parkhouse
Kazen	Phillips
Kelley	Ratliff

Roberts	Shireman
Rogers	Strauss
of Childress	Wagonseller
Rogers of Travis	Willis
Secrest	

Absent—Excused

Fly	Weinert
Lock	

Presentation of Guests

Senator Phillips, by unanimous consent, presented Judge Thurman Gup-ton of West Columbia, District Judge of the Twenty-third Judicial District, to the Members of the Senate and he was extended the privileges of the floor for the day.

Senate Resolution 283

Senator Parkhouse offered the following resolution:

Whereas, We are honored to have in the gallery of the Senate, pupils of the Dallas Pilot Institute for the Deaf, Dallas, accompanied by their teachers, Miss Ruth Orenbaum and Mrs. Blanche Reuck; and

Whereas, These students are on an educational tour of the Capitol Building, and are here to observe and to learn at firsthand the workings of their State Government; now, therefore, be it

Resolved, That we officially recognize and welcome these young guests and their teachers and commend them for their interest; and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to each of them in recognition of their visit.

The resolution was read and was adopted.

Senator Parkhouse, by unanimous consent, presented the students, Miss Orenbaum and Mrs. Blanche Reuck to the Members of the Senate.

Senate Resolution 284

Senator Wagonseller offered the following resolution:

Whereas, We are honored to have in the Senate today, Miss Dorothy Rae Bills, of Fabens, Texas; and

Whereas, Miss Bills is an outstanding citizen of West Texas; now, therefore, be it

Resolved by the Senate of Texas, That she be officially welcomed, and be

extended the privileges of the floor for the day.

The resolution was read and was adopted.

Senator Wagonseller, by unanimous consent, presented Miss Bills to the Members of the Senate.

Presentation of Guests

Senator Rogers of Travis, by unanimous consent, presented students of the West End School of Taylor, with teachers, Mrs. O. H. Schram and Mrs. Brookshire, to the Members of the Senate.

(President Pro Tempore in the Chair.)

Committee Substitute Senate Bill 140 on Second Reading

Senator Willis asked unanimous consent to suspend the regular order of business and take up C. S. S. B. No. 140 for consideration at this time.

There was objection.

Senator Willis then moved to suspend the regular order of business and take up C. S. S. B. No. 140 for consideration at this time.

The motion prevailed by the following vote:

Yeas—21

Aikin	Owen
Ashley	Parkhouse
Bracewell	Phillips
Colson	Ratliff
Fuller	Roberts
Hazlewood	Rogers
Kazen	of Childress
Kelley	Shireman
Latimer	Strauss
Martin	Wagonseller
Moore	Willis

Nays—6

Corbin	McDonald
Hardeman	Moffett
Lane	Rogers of Travis

Absent

Secrest

Absent—Excused

Fly	Weinert
Lock	

The President Pro Tempore laid be-

fore the Senate on its second reading and passage to engrossment the following bill:

C. S. S. B. No. 140, A bill to be entitled "An Act conferring upon the Game and Fish Commission power and authority to regulate, by proclamation, order, rule, or regulation, the taking of the wildlife resources of this State; making provisions relative to investigations by the Commission with respect to wildlife resources, adoption and enforcement of orders, rules and regulations, issuance of permits, issuance and forfeiture of licenses, and related matter; prescribing offenses and providing penalties; authorizing the taking of affidavits relative to violations and prescribing a penalty for false swearing; repealing certain laws; fixing the effective date of the Act; providing for severability; and declaring an emergency."

The bill was read second time.

Senator Willis offered the following committee amendment to the bill:

Amend Senate Bill No. 140 by adding to Section 18 thereof the following provision:

"Provided, however, if any provision of Sections 8 and 9 of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall cause other provisions and applications of the Act to become ineffective and inoperative."

The amendment was read.

Senator Hardeman offered the following amendment to the committee amendment:

Amend committee substitute for S. B. 140 by striking the following:

All of Section 19 and renames to the remaining sections.

MARTIN
HARDEMAN

The amendment to the committee amendment was adopted.

The committee amendment, as amended, was adopted.

Senator Kelley offered the following amendment to the bill:

Amend Committee Substitute for Senate Bill 140 as follows:

1. By inserting in line 28, page 1, of the printed substitute immediately

preceding the word "fish," the words: "fresh water"

2. By striking out the words "or other form of aquatic life," in line 29, page 1, of the printed substitute, and wherever said words may appear elsewhere in said printed substitute.

3. By striking out the words "or salt" in line 53, page 1, of said printed substitute and wherever said words may appear elsewhere in said printed substitute.

4. By striking out the words "or other aquatic life," in line 53, page 1, and wherever said words may appear elsewhere in said printed substitute.

5. By inserting in line 62, page 1, of said printed substitute immediately preceding the word "fish," the words: "and fresh water"

6. By striking out the words "and other forms of aquatic life" in lines 62 and 63, page 1, and wherever said words may appear elsewhere in said printed substitute.

7. By striking out of lines 19, 20, 21 and 22, page 2, of said printed substitute the following sentence: "The provisions of this Act shall apply to the taking of fish or other aquatic life both from the fresh waters and the tidal waters of this State," and substituting in lieu thereof the following language: "None of the provisions of this Act shall apply to the taking of any fish or other marine life from the tidal waters of this State."

8. By inserting in line 25, page 2, of said printed substitute, immediately preceding the word "fish," the following words: "fresh water"

9. By striking out of lines 25 and 26, page 2, of said printed substitute the following words: "or other form of aquatic life"

10. By inserting in line 32, page 2, of said printed substitute, immediately preceding the word "fish" the following words: "fresh water"

11. By striking out of line 32, page 2, of said printed substitute, the following words: "or other form of aquatic life"

12. By inserting in line 42, page 4, of said printed substitute, immediately preceding the word "fish" the words: "fresh water"

13. By striking out of lines 42 and 43, page 4, of said printed substitute, the following words: "or other form of aquatic life"

14. By inserting in line 56, page 4, of said printed substitute, immediately preceding the word "fish" the words: "fresh water"

15. By inserting in line 64, page 4, of said printed substitute, immediately preceding the word "fish" the words: "and fresh water"

16. By inserting a period immediately after the word "fish" in line 64, page 4, of said printed substitute, and by striking out of lines 64 and 65, page 4, of said printed substitute, the following words: "and other forms of aquatic life of all kinds."

The amendment was adopted by the following vote:

Yeas—13

Ashley	Moffett
Bracewell	Moore
Corbin	Parkhouse
Hazlewood	Phillips
Kazen	Strauss
Kelley	Wagon seller
Martin	

Nays—12

Aikin	Ratliff
Fuller	Roberts
Hardeman	Rogers
Lane	of Childress
Latimer	Shireman
McDonald	Willis
Owen	

Absent

Colson	Secrest
Rogers of Travis	

Absent—Excused

Fly	Weinert
Lock	

On motion of Senator Hardeman and by unanimous consent the vote by which the committee amendment as amended was adopted was reconsidered and the vote by which the amendment by Senator Hardeman to the committee amendment was reconsidered.

Senator Hardeman then withdrew the amendment to the committee amendment.

The committee amendment was again adopted.

Senator Hardeman then offered the following amendment to the bill:

Amend Committee Substitute for S. B. No. 140 by striking out all of Section 19 and renumbering the remaining sections.

**HARDEMAN
MARTIN**

The amendment was adopted.

(President in the Chair.)

Senator Strauss offered the following amendment to the bill:

Amend Committee Substitute for S. B. No. 140 by adding a new section to be numbered Section 17-A and reading as follows:

"Section 17-A. Provided that the Game and Fish Commission shall never assess or collect any fee for the privilege of fishing in the salt waters of this State by the use of pole and line, rod and reel or any equipment ordinarily used by sport fishermen for the purpose of taking fish."

The amendment was adopted.

Senator Strauss offered the following amendment to the bill:

Amend Committee Substitute for S. B. No. 140 by adding a new section to be numbered Section 14-A and to read as follows:

"Section 14-A. Provided that whenever it is proven that deer are causing damages to crops and gardens in Lavaca County, the person in charge of such crops or gardens shall have a right to kill deer causing such damage. Before being permitted to kill deer as herein set out the person in charge of such crops shall file an affidavit with the Sheriff of Lavaca County setting out that damages to crops and gardens are existent and list the names of the persons who will kill deer as provided herein. This authority shall extend for a period of 30 days. At the expiration of 30 days the person in charge of crops and gardens where deer were killed shall file a report in writing showing the number of deer so killed. This authority shall not be effective during any open season for killing deer in Lavaca County."

Senator Willis moved to table the amendment.

The motion to table was lost by the following vote:

Yeas—7

Ashley	Ratliff
Corbin	Rogers
Moffett	of Childress
Parkhouse	Willis

Nays—19

Aikin	Hardeman
Bracewell	Hazlewood
Fuller	Kazen

Kelley	Roberts
Latimer	Rogers of Travis
Martin	Secrest
McDonald	Shireman
Moore	Strauss
Owen	Wagonseller
Phillips	

Absent

Colson	Lane
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Absent—Excused

Fly	Weinert
Lock	

Question recurring on the amendment by Senator Strauss, the amendment was adopted.

Senator Willis moved that S. B. No. 140 be laid on the table.

The motion was lost.

Senator Owen offered the following amendment to the bill:

Amend S. B. 140, Section 1, by adding a new sentence at the end of Section 1, line 56, to read as follows:

"Provided, however, this Act, or any regulation thereunder, shall not apply to the taking of fish along or from a natural watercourse, river, or public lake not located wholly within the limits of the private property of one person."

The amendment failed of adoption.

Senator Rogers of Childress offered the following amendment to the bill:

Amend S. B. 140 by adding the following paragraph, properly numbered, as follows:

"Nothing in this Act shall be construed as repealing S. B. No. 47 passed at the First Called Session of the 51st Legislature during the year 1950; and no provision of this bill shall have any application to the counties named in Senate Bill 47, and said counties shall be specifically exempted from the terms and provisions of this Act."

ROGERS of Childress
HAZLEWOOD

The amendment was adopted.

The bill, as amended, was passed to engrossment.

Record of Vote

Senator Hardeman asked to be recorded as voting "nay" on the pas-

sage of C. S. S. B. No. 140 to third reading.

Motion to Place Committee Substitute Senate Bill 140 on Third Reading

Senator Willis moved that Senate Rule 32 and the Constitutional rule requiring bills to be read on three several days be suspended and that C. S. S. B. No. 140 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving four-fifths vote of the Members present):

Yeas—15

Aikin	Parkhouse
Bracewell	Phillips
Corbin	Ratliff
Fuller	Roberts
Kelley	Rogers
Latimer	of Childress
Moffett	Strauss
Moore	Willis

Nays—8

Hardeman	Rogers of Travis
Lane	Secrest
Martin	Shireman
McDonald	Wagonseller

Absent

Ashley	Kazen
Colson	Owen
Hazlewood	

Absent—Excused

Fly	Weinert
Lock	

Message from the House

Hall of the House of Representatives,
Austin, Texas,
April 26, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. 111. Directing the Enrolling Clerk of the House to make certain corrections in House Bill No. 367 and House Bill No. 369.

H. C. R. 112, Suspending the Joint Rules to take up House Bill No. 714 at any time.

H. C. R. 113, Suspending the Joint Rules to take up House Bill No. 217 at any time.

H. C. R. 114, Suspending the Joint Rules to take up House Bill No. 792 at any time.

H. C. R. 115, Suspending the Joint Rules so that both the House and the Senate may take up and consider a Local and Uncontested Bill Calendar at any time on Thursday, April 28, 1955.

H. B. No. 660, A bill to be entitled "An Act to revise and arrange certain statutes of this State relating to taxation into a new title of the Revised Civil Statutes of Texas to be known as 'Title 122A, Taxation—General'; preserving the substantive law as it existed immediately prior to the passage of this Act except where a contrary intention is clearly expressed; providing that Title 122 of the Revised Civil Statutes shall be known as 'Title 122, Taxation—Ad Valorem'; amending certain portions of the Texas Liquor Control Act so as to make appropriate references to the new title created; levying additional taxes for the support of the State government; repealing certain statutes and acts relating to taxation; providing a severability clause; providing a savings clause; and declaring an emergency."

(With engrossed riders.)

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

House Concurrent Resolution 115 on Second Reading

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 115, Suspending Joint Rules to consider Local and Uncontested Bill Calendar at any time on Thursday, April 28, 1955.

The resolution was read second time.

On motion of Senator Martin, and by unanimous consent, the resolution was considered immediately and was adopted.

Senate Concurrent Resolution 50 on First Reading

Senator Strauss, by unanimous consent, moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time a reso-

lution, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—25

Aikin	Moore
Ashley	Parkhouse
Bracewell	Phillips
Colson	Ratliff
Corbin	Roberts
Fuller	Rogers
Hardeman	of Childress
Kazen	Rogers of Travis
Lane	Secrest
Latimer	Shireman
Martin	Strauss
McDonald	Wagonseller
Moffett	Willis

Absent

Hazlewood	Owen
Kelley	

Absent—Excused

Fly	Weinert
Lock	

The following resolution was then introduced, read first time and referred to the committee indicated:

S. C. R. No. 50, Granting H. A. McKnight, et al. permission to sue the State of Texas.

Whereas, There are conflicting claims of ownership between the General Land Office of the State of Texas and H. A. McKnight, John L. McKnight, Mrs. Henrietta McKnight Fields, Earnest A. Fields, J. B. Salmon and Mrs. Margaret J. O'Rourke concerning nine different tracts of land on Matagorda Island in Calhoun County; and

Whereas, The said tracts in dispute are the following: (1) File Number 25, Survey 15, Script 43, 640 acres patented to Bryan; (2) File Number 20, Survey 16, Script 50, 640 acres patented to Wm. Little; (3) File Number 208, Survey 44, Script 360, 640 acres patented to Toby; (4) File Number 199, Survey 47, Script 88, 320 acres patented to David White, agent; (5) File Number 200, Survey 48, Script 89, 320 acres patented to David White, agent; (6) File Number 201, Survey 48, Script 90, 320 acres patented to David White, agent; (7) File Number 219, Survey 50, Script 91, 320 acres patented to David White, agent; (8) File Number 202, Survey 51, Script 92, 320 acres patented to David White, agent; and (9)

File Number 203, Survey 52, Script 94, 320 acres patented to David White, agent; and

Whereas, The controversy as to dispute of title to the aforesaid tracts can only be reconciled by adjudication; now, therefore, be it

Resolved by the Senate, the House of Representatives concurring, That the said H. A. McKnight, John L. McKnight, Mrs. Henrietta McKnight Fields, Earnest A. Fields, J. B. Salmon and Mrs. Margaret J. O'Rourke be and are hereby granted permission to bring suit against the State of Texas and the Commissioner of the General Land Office in any court of competent jurisdiction in Calhoun County, Texas, to determine the validity of their claims and to recover judgment against the State of Texas for such relief as they may be entitled to, and in case such suit be filed, service of citation shall be had upon the Commissioner of the General Land Office and the Attorney General of Texas and that the same shall have the same force and effect as made and provided in civil cases, and that either of the parties to said suit have the right of appeal, and it is so resolved.

However, It is to be understood that the purpose of this resolution is to grant permission to bring suit against the State of Texas and against the General Land Office, and no admission of liability of the State of Texas or the General Land Office is made by this resolution.

To the Committee on Civil Jurisprudence.

Senate Bill 417 on First Reading

Senator Strauss by unanimous consent introduced the following local bill which was read the first time and was referred to the committee indicated:

By Senator Strauss:

S. B. No. 417, A bill to be entitled "An Act creating a Juvenile Board for Waller County and designating the chairman thereof; providing additional compensation for county and district judges serving thereon; stating the effect of this act on existing laws; and declaring an emergency."

To the Committee on Civil Jurisprudence.

Presentation of Guests

Senator Rogers of Travis by unanimous consent presented students from

the Coupland School of Williamson County with their teacher, Mr. C. S. Clark and Mrs. Charles Hairston to the Members of the Senate.

Bills Signed

The President signed in the presence of the Senate, after the captions had been read, the following enrolled bills:

H. B. No. 768, A bill to be entitled "An Act creating the County Court at Law of Taylor County; providing for the adoption of the provisions of this Act by the Commissioners' Court of Taylor County; defining the jurisdiction of said court; regulating practice therein; prescribing the terms of said court; providing for a clerk thereof; providing for transfer of cases pending in the County Court to said court and limiting the jurisdiction of the County Court; creating the office of Judge of the County Court at Law of Taylor County; providing for the selection of the Judge of said court; prescribing his qualifications; fixing his compensation; providing for the appointment and compensation of a secretary and a reporter for said court; making certain other provisions relating to said court; and declaring an emergency."

H. B. No. 212, A bill to be entitled "An Act amending Article 1034 of the Texas Penal Code, providing a saving clause, and declaring an emergency."

H. B. No. 345, A bill to be entitled "An Act to authorize the Board of Supervisors of fresh water supply districts situated in counties having a population of eight hundred thousand or more according to the last preceding federal census, which fresh water supply districts have no outstanding bonded debt, and which districts are not levying any ad valorem taxes to pay operating expenses of the district, may, either upon petition, or upon their own motion, order an election for the purpose of determining whether or not said existing district shall be divided into two districts, with two Boards of Supervisors; or, whether such districts shall exclude territory described by metes and bounds in the order calling said election; providing for the method, time and manner of holding such an election or elections; providing for the government of the successor district or districts; for the pres-

ervation of the properties and the proper administration thereof; and declaring an emergency."

H. B. No. 432, A bill to be entitled "An Act concerning the performance of certain duties of the Judges of the County Courts at Law by the County Judge in counties of less than six hundred thousand (600,000) population; validating such substituted actions; providing for no additional compensation for such acts; declaring this Act cumulative and severable; and declaring an emergency."

H. B. No. 107, A bill to be entitled "An Act fixing the compensation for Grand Jury Bailiffs in counties of 190,000 to 200,000 population; the number to be appointed, compensation to be paid, and designating the funds from which such payments shall be made."

H. B. No. 268, A bill to be entitled "An Act providing that no changes in boundaries of independent school districts having a scholastic population of 25,000 or more according to the last preceding school census shall be made unless previously approved by the Board of Trustees or Board of Education thereof; enacting other provisions relating thereto; and declaring an emergency."

H. B. No. 75, A bill to be entitled "An Act amending Section 1 of Chapter 44 of the Acts of the Fifty-third Legislature, First Called Session, 1954, to delete all reference to population of county; and declaring an emergency."

H. B. No. 237, A bill to be entitled "An Act amending Section 6 of Article 21.07 of Senate Bill 236 known as the Insurance Code, Acts 1951, 52nd Legislature; providing for an increase in the annual fee to be paid by agents of any life insurance company, accident insurance company, life and accident, health and accident, or life, health and accident insurance company, or association or organization, local mutual aid association or statewide mutual association, from Two (\$2.00) Dollars to Five (\$5.00) Dollars; also providing for an additional annual fee of Two (\$2.00) Dollars for each and every appointment of any agent by any such company, and not otherwise amending such present law."

H. B. No. 855, A bill to be entitled

"An Act authorizing cities which have adopted their charters under Article 11, Section 5, of the Constitution of Texas to abandon airport lands and properties for airport purposes, owned by such cities when same are no further needful for airport purposes, and to dispose of, lease for oil, gas and mineral exploration and development, or to sell such properties, or any part thereof, or to use such properties for any other useful purpose, and to use the proceeds therefrom for any needful municipal purposes; provided that this Act shall apply only to such cities located in counties having a population of not less than 150,000 and not more than 250,000 according to the last preceding Federal census; and declaring an emergency."

H. B. No. 701, A bill to be entitled "An Act authorizing Lower Colorado River Authority to issue Bonds not to exceed sixty-five million (\$65,000,000.00) Dollars in aggregate principal amount, repealing that portion of the Lower Colorado River Authority Act limiting amount of Bonds which may be issued by such District to fifty million (\$50,000,000) Dollars and all other laws in conflict herewith; and declaring an emergency."

H. B. No. 134, A bill to be entitled "An Act amending Section One of House Bill No. 23, Fifty-third Legislature, Regular Session, to provide for the deposit of certain Funds and Fees to the Special Department of Agriculture Fund in the State Treasury; providing for an effective date of this Act; providing a saving clause; and declaring an emergency."

H. B. No. 582, A bill to be entitled "An Act providing for a closed season on deer in Orange County for a period of five years; providing a penalty; suspending conflicting laws; and declaring an emergency."

H. B. No. 594, A bill to be entitled "An Act authorizing the appointment of an investigator by the District Attorney of the Special Judicial District of Midland County; prescribing his powers and duties and providing for his compensation and expenses; authorizing the appointment of an investigator for Midland County by the district attorney of the judicial district exercising jurisdiction in Midland County in the event the Special Judicial District of Midland County is abolished or expires by operation of law; and declaring an emergency."

H. B. No. 873, A bill to be entitled "An Act prescribing the devices which may be used for fishing in the public fresh waters of Haskell County; stating a rule of evidence; providing a penalty for violation of the Act; repealing conflicting laws; and declaring an emergency."

H. B. No. 213, A bill to be entitled "An Act amending Article 11.19, Chapter 11, of the Insurance Code of the State of Texas, Revised Civil Statutes of Texas of 1925, relating to mutual legal reserve companies having a surplus equal to the capital and surplus requirements of a capital stock company, as provided in Article 3.02, Chapter 3, Insurance Code of the State of Texas, Revised Civil Statutes of Texas of 1925."

H. B. No. 297, A bill to be entitled "An Act authorizing the appointment of two chief deputies for the assessor and collector of taxes in each county of this State having a population of 150,000 inhabitants or more, to be known as the chief deputy assessor and the chief deputy collector; providing for their compensation and method of appointment; providing that this Act shall be cumulative of existing laws; and declaring an emergency."

H. B. No. 471, A bill to be entitled "An Act providing that in each county in this State having a population of six hundred thousand inhabitants or more according to the last preceding Federal census the commissioners' court may furnish the constables thereof two-way radios to be used in connection with the performance of their official duties regardless of whether the constables drive county vehicles or their own personal vehicles; providing that the cost of the two-way radios, the installation thereof, all necessary repairs and other expenses in connection therewith shall be paid out of the general fund of the county; and declaring an emergency."

H. B. No. 207, A bill to be entitled "An Act relating to the Board of Education of the Houston Independent School District; amending Section 27, Chapter 91, Acts of the 38th Legislature, 1923, so as to provide for publication of notice of a bond election in a newspaper or newspapers that is or are not printed on Sunday; and declaring an emergency."

H. B. No. 632, A bill to be entitled "An Act enlarging, extending, and re-defining the boundaries of Bell County Water Control and Improvement District No. 1; granting additional power and authority to said District; providing that certain provisions of the general law shall not apply to said district and prescribing certain procedure in regard to bond elections and the cancellation of the authority to issue bonds heretofore voted; validating the creation and organization of said District; providing that this Act shall be cumulative but shall control over the laws in conflict; providing a severability clause; and declaring an emergency."

H. B. No. 697, A bill to be entitled "An Act authorizing the Governing Board of Navigation Districts in this State heretofore or hereafter created under the laws of this State and having within its limits a city containing 375,000 population or more according to the latest preceding or any future Federal Census to make exchange of lands or sales pursuant to exchange of lands; making the provisions hereof cumulative of the provisions of subsections (b) and (c) of the Acts of the Forty-fourth Legislature, Regular Session, 1935, Chapter 134; providing that if any part of this Act be held unconstitutional, it will not affect the remainder hereof; and declaring an emergency."

H. B. No. 591, A bill to be entitled "An Act fixing the salary of the District Attorney of the 105th Judicial District of Texas; authorizing the Commissioners Courts of the Counties comprising the 105th Judicial District of Texas to supplement the salary of the District Attorney and providing the method of supplementation; and declaring an emergency."

H. B. No. 758, A bill to be entitled "An Act amending Article 3266, Section 3, Revised Civil Statutes of the State of Texas, providing that Commissioners shall receive for their services Ten (\$10.00) Dollars for each day engaged in the performance of duties and providing that in counties of over five hundred thousand (500,000), the County Judge may set the fee of the Commissioners at any amount he may determine reasonable, not less than Fifteen (\$15.00) Dollars, and providing that Commissioners may withhold their decision until their fees are paid; and declaring an emergency."

H. B. No. 279, A bill to be entitled "An Act amending Section 2 and Section 7 of Acts of the 50th Legislature, 1947, Chapter 180, page 294, codified as Sections 2 and 7 of Article 5506c, Vernon's Civil Statutes of Texas, so as to eliminate the necessity of posting notice of Factors' Lien; repealing all laws in conflict herewith; and declaring an emergency."

H. B. No. 785, A bill to be entitled "An Act applicable only to Lytle Lake, Taylor County, Texas, providing for a closed season on trotline fishing; limiting the number of hooks used on each pole and line or line to two; providing a penalty; and declaring an emergency."

H. B. No. 633, A bill to be entitled "An Act prohibiting the use of electricity-producing apparatus in fishing; providing a penalty for violation; making possession of such apparatus in certain circumstances prima facie evidence of a violation of this Act; repealing conflicting laws; and declaring an emergency."

H. B. No. 354, A bill to be entitled "An Act amending Section 106 (a) and Section 106 (a), Paragraphs 1 and 5, of Article 6701d, being the uniform Act regulating traffic on highways used in the actual harvesting and transporting of certain vegetables from the fields to a packing or processing plant; and declaring an emergency."

H. B. No. 475, A bill to be entitled "An Act amending subdivision (a) of Section 3, Chapter 42, General Laws of the 41st Legislature, Second Called Session, 1929, as amended (Subdivision (a), Section 3, Article 827a, Vernon's Penal Code) regulating the width of vehicles; fixing the limitation on the width of buses operated exclusively within certain cities and within contiguous cities, towns and suburbs; repealing Section 8b of Chapter 88, General Laws of the 41st Legislature, Second Called Session, 1929, as amended (Article 6675a-8b, Vernon's Civil Statutes) and incorporating certain provisions from the repealed statute into the statute herein amended; and declaring an emergency."

H. B. No. 679, A bill to be entitled "An Act to amend Chapter 258, Acts of the Regular Session of the 49th Legislature (Vernon's Texas Civil Statutes, Article 1015g), pertaining to

the acquisition, control and operation of toll bridges by cities and towns, enacting other provisions related to the subject; and declaring an emergency."

Report of Standing Committee

Senator Colson by unanimous consent submitted the following report:

Austin, Texas,
April 26, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Education, to whom was referred H. B. No. 690, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

COLSON, Chairman.

Recess

On motion of Senator Moffett the Senate at 12:12 o'clock p. m. took recess until 2:30 o'clock p. m. today.

After Recess

The President called the Senate to order at 2:30 o'clock p. m. today.

House Concurrent Resolution 111 on Second Reading

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 111, Enrolling Clerk to make certain corrections in House Bills Nos. 367 and 369.

The resolution was read.

On motion of Senator Kelley and by unanimous consent the resolution was considered immediately and was adopted.

Conference Committee Report on Senate Bill 28

Senator Moore submitted the following Conference Committee report on Senate Bill 28:

Austin, Texas,
April 18, 1955.

Hon. Ben Ramsey, President of the Senate.

Hon. Jim Lindsey, Speaker of the House of Representatives.

Sirs: We, your Conference Com-

mittee, appointed to adjust the differences between the Senate and the House of Representatives on S. B. No. 28, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form attached.

MOORE
CORBIN
KAZEN
WAGONSELLER
KELLEY,

On the part of the Senate

STOREY
CHAPMAN
CLEMENT
THURMOND
COOPER,

On the part of the House.

S. B. No. 28:

A BILL TO BE ENTITLED

"An Act making it unlawful to break and enter into a coin-operated machine, or to work or manipulate the machinery of any coin-operated machine, with the intent to commit theft of any personal property from said machine, or for the purpose of obtaining any service through the instrumentality of such machine; creating a felony offense, prescribing the punishment and defining certain terms; and declaring an emergency."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Any person who shall by fraud, or by force applied to a coin-operated machine, break a coin-operated machine, or enter a coin-operated machine, or work or manipulate the machinery of any coin-operated machine, with the purpose of committing the theft of any money or other personal property from said coin-operated machine or for the purpose of obtaining any service from or through the instrumentality of said coin-operated machine, shall be guilty of a felony and upon conviction therefor shall be punished by a fine of not less than One Hundred and No/100 Dollars nor more than One Thousand and No/100 Dollars, or by confinement in county jail for not less than ten (10) days nor more than two (2) years, or by both such fine and imprisonment, or by confinement in the State penitentiary for a term of not more than five (5) years.

Section 1a. The provisions of this Act shall not apply to any coin-operated machine which may be used in

any manner for the purpose of gambling, or any machine, the use of which has been declared illegal by the Legislature of this State, or any machine which may not be transported in Interstate Commerce under the laws of the United States of America.

Section 2. "Enter" as used herein includes every kind of entry except one made with the consent of the owner of such machine, or of one in lawful possession thereof, or of one authorized to give such consent.

The entry may consist of the entry of the hand, or a finger, or of any part of the human body, or the insertion or introduction into the coin-operated machine of any instrument of whatever material or materials it may be made or constructed, when such introduction or insertion is made for the purpose of taking from such machine any personal property whatever, or for the purpose of so manipulating the mechanism of such coin-operated machine as to obtain from said machine or from any person, firm or corporation any service whatever, through or by the instrumentality or use of such coin-operated machine.

Section 3. The fact that present laws are not adequate to deter the breaking into coin-operated machines creates an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

The Conference Committee report was read and was adopted.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
April 26, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 49, Requesting the Governor to return House Bill No. 153 to the Senate for further consideration.

House has appointed the following Conference Committee on H. B. No. 683: Cory, Cooper, A. R. Schwartz, Neimann, Spilman.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives.

Senate Bill 418 on First Reading

Senator Rogers of Travis, by unanimous consent, moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—27

Aikin	Moffett
Ashley	Moore
Bracewell	Owen
Colson	Parkhouse
Corbin	Ratliff
Fuller	Roberts
Hardeman	Rogers
Hazlewood	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Lane	Shireman
Latimer	Strauss
Martin	Wagonseller
McDonald	Willis

Absent

Phillips

Absent—Excused

Fly
Lock

Weinert

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Rogers of Travis:

S. B. No. 418, A bill to be entitled "An Act amending Chapter 118, Acts 1951, 52nd Legislature, known as Article 4528c, Chapter 7, Title 71, Revised Civil Statutes of Texas, 1925, as amended, be amended by adding a new section thereto to be known as Section 3a, providing that registration bureaus operated without profit by recognized statewide Licensed Vocational Nurses' organizations for the enrollment of its professional members only for the purpose of providing professional service to the public shall not be liable for the payment of any occupation taxes and/or license fees; repealing all laws in conflict herewith; providing for a savings clause; and declaring an emergency."

To the Committee on Public Health.

Senate Bill 419 on First Reading

Senator Shireman, by unanimous

consent, moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—26

Aikin	Moore
Ashley	Owen
Bracewell	Parkhouse
Colson	Ratliff
Corbin	Roberts
Hardeman	Rogers
Hazlewood	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Lane	Shireman
Latimer	Strauss
Martin	Wagon seller
McDonald	Willis
Moffett	

Absent

Fuller	Phillips
--------	----------

Absent—Excused

Fly	Weinert
Lock	

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Shireman:

S. B. No. 419, A bill to be entitled "An Act amending Section 2 of Chapter 99, Acts 51st Legislature, Regular Session, 1951, and declaring an emergency."

To the Committee on State Affairs.

Conference Committee on House Bill 10

Senator Martin called from the President's table for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on H. B. No. 10 and moved that the request be granted.

The motion to grant the request prevailed.

Senate Bill 420 on First Reading

Senator McDonald, by unanimous consent, moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time a

bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—26

Aikin	Moore
Ashley	Owen
Bracewell	Parkhouse
Colson	Ratliff
Corbin	Roberts
Hardeman	Rogers
Hazlewood	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Lane	Shireman
Latimer	Strauss
Martin	Wagon seller
McDonald	Willis
Moffett	

Absent

Fuller	Phillips
--------	----------

Absent—Excused

Fly	Weinert
Lock	

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator McDonald:

S. B. No. 420, A bill to be entitled "An Act to amend Article 908, Chapter 6 of the Penal Code of Texas, repealing all laws in conflict with the Act; providing a saving clause; and declaring an emergency."

To the Committee on Game and Fish.

Senate Bill 421 on First Reading

Senator Latimer, by unanimous consent, introduced the following local bill, which was read first time and referred to the committee indicated:

By Senator Latimer:

S. B. No. 421, A bill to be entitled "An Act authorizing and directing the Board for Texas State Hospitals and Special Schools, acting through its Executive Director, to execute and deliver an instrument granting an easement in certain lands to the San Antonio River Authority for certain purposes upon certain conditions and covenants; and declaring an emergency."

To the Committee on State Affairs.

Senate Bill 422 on First Reading

Senator Secrest, by unanimous consent, introduced the following local bill, which was read first time and referred to the committee indicated:

By Senator Secrest:

S. B. No. 422, A bill to be entitled "An Act creating a conservation and reclamation district under the provisions of Section 59, Article 16, of the Constitution, to be known as 'Bell County Water Control and Improvement District No. 4'; conferring upon the district the powers of the general laws governing water control and improvement districts where not in conflict with this Act; providing for the governing body of the district; providing for the issuance of bonds and refunding bonds; adopting the ad valorem plan of taxation for said District; making bonds of the District eligible for investments, and exempting the property and the bonds of the District from taxation; providing certain matters pertaining to eminent domain; authorizing contracts for purchase of water or water supply; finding a benefit; providing a severability clause; and declaring an emergency."

To the Committee on Water Rights, Irrigation and Drainage.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
April 26, 1955.
Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 110, In memory of Maury Hughes of Dallas, Texas.

The House has adopted the Conference Committee Report on House Bill 270 by a vote of 125 yeas, 2 nays.

The House has reconsidered vote and concurred in Senate amendments to House Bill No. 495 by vote of 124 yeas, 0 nays.

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives.

Leave of Absence

Senator Colson was granted leave of absence for the afternoon on account of important business on motion of Senator Aikin.

Senate Joint Resolution 2 on Second Reading

On motion of Senator Moffett, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. J. R. No. 2, Proposing an amendment to Section 49-b, Article III, Constitution of Texas, so that the total amount of bonds or obligations that may be issued by the Veterans' Land Board is increased to Two Hundred Million Dollars (\$200,000,000); providing for the issuance of said bonds and certain conditions relating thereto and the use of the Veterans' Land Fund; providing for an election and the issuance of a proclamation therefor.

The resolution was read second time.

(Senator Kazen in the Chair.)

Senator Moffett offered the following committee amendment to the resolution:

Amend S. J. R. No. 2 by striking out the first sentence of Section 49-b and inserting in lieu thereof the following:

"There is hereby created a Board to be known as the Veterans' Land Board, which shall be composed of the Commissioner of the General Land Office and two citizens of the State, who shall be appointed by the Governor with the advice and consent of the Senate. The Governor shall bi-annually appoint one such member to serve for a term of four years, with the initial appointments to the Board under this Act to be for terms of two and four years respectively, and all subsequent appointments to be according to provisions of this section. One such appointive member shall be well versed in Veterans' affairs and the other such appointive member shall be well versed in finances. The Commissioner of the General Land Office shall act as Chairman of the Board and shall administer the provision of this section. The compensation for said appointive members shall be as fixed by the Legislature."

The committee amendment was adopted.

Senator Moffett offered the follow-

ing committee amendment to the resolution:

Amend S. J. R. No. 2 by striking out the following words in Section 2:

"fourth Saturday in August, 1955." and insert in lieu thereof the following:

"first Tuesday after the first Monday in November in 1956."

The committee amendment was adopted.

Senator Moffett offered the following amendment to the resolution:

Amend S. J. R. 2, Section 1, page 2, by striking out the last sentence of said section and inserting in lieu thereof the following:

"Insofar as this amendment validates the bonds heretofore issued and outstanding, it is self-enacting. As to all other provisions, however, this amendment shall not be self-enacting but shall become effective upon the conditions to be prescribed by the Legislature of the State of Texas at any session or sessions after the adoption of this amendment by the voters of Texas."

The amendment was adopted.

Senator Moffett offered the following amendment to the resolution:

Amend S. J. R. 2, Section 1, page 1, line 64, by inserting after the words: "All moneys received and which have been received" the following language:

"under the constitutional amendment as adopted by the people of Texas at the election held on November 13, 1951."

The amendment was adopted.

Senator Moore offered the following amendment to the resolution:

Amend S. J. R. No. 2 by adding the following words after the period on line 63 by changing the said period to a semicolon on line 63 and to read as follows:

"Provided further, however, where any veteran who has made a purchase under the existing law or any subsequent law and the State has been reimbursed in full such veteran shall be entitled to a subsequent loan. Provided such subsequent purchase shall

not take priority over any original application filed prior in time."

The amendment was adopted.

(President Pro Tempore in the Chair.)

The resolution, as amended, was passed to engrossment by the following vote:

Yeas—22

Aikin	Owen
Ashley	Parkhouse
Corbin	Ratliff
Fuller	Roberts
Hardeman	Rogers
Kazen	of Childress
Kelley	Secrest
Lane	Shireman
Latimer	Strauss
Martin	Wagonseller
Moffett	Willis
Moore	

Nays—4

Bracewell	Phillips
McDonald	Rogers of Travis

Absent

Hazlewood

Absent—Excused

Colson	Lock
Fly	Weinert

Senate Joint Resolution 2 on Third Reading

Senator Moffett moved that Senate Rules 32 and 45 and the Constitutional rule requiring resolutions to be read on three several days be suspended and that S. J. R. No. 2 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—22

Aikin	Owen
Ashley	Parkhouse
Corbin	Ratliff
Fuller	Roberts
Hardeman	Rogers
Kazen	of Childress
Kelley	Secrest
Lane	Shireman
Latimer	Strauss
Martin	Wagonseller
Moffett	Willis
Moore	

Nays—4

Bracewell	Phillips
McDonald	Rogers of Travis

Absent

Hazlewood

Absent—ExcusedColson
FlyLock
Weinert

The President Pro Tempore then laid the resolution before the Senate on its third reading and final passage.

The resolution was read third time and was passed by the following vote:

Yeas—22

Aikin	Moore
Ashley	Owen
Corbin	Parkhouse
Fuller	Ratliff
Hardeman	Roberts
Hazlewood	Rogers
Kazen	of Childress
Kelley	Secrest
Lane	Shireman
Latimer	Strauss
Martin	Wagonseller
Moffett	Willis

Nays—4

Bracewell	Phillips
McDonald	Rogers of Travis

Absent—Excused

Colson	Lock
Fly	Weinert

Report of Standing Committee

Senator Phillips, by unanimous consent, submitted the following report:

Austin, Texas,
April 27, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Banking, to whom was referred H. B. No. 653, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PHILLIPS, Chairman.

Bills and Resolutions Signed

The President Pro Tempore signed in the presence of the Senate, after the captions had been read, the following enrolled bills and resolutions:

S. C. R. No. 44, Inviting Honorable

R. B. Anderson, Undersecretary of Defense, to address a Joint Session of the Texas Legislature.

S. C. R. No. 34, Granting Austin Bridge Company permission to sue the State of Texas.

S. B. No. 206, A bill to be entitled "An Act amending Sections 1 and 2 of Chapter 166, General Laws of the 42nd Legislature, Regular Session, 1931, as amended (codified as Article 6203d in Vernon's Texas Civil Statutes), so as to authorize the Texas Prison Board to grant right-of-way easements for public highways, roads and streets, and stating terms upon which such easements may be granted; and declaring an emergency."

S. B. No. 166, A bill to be entitled "An Act amending Subsection (b) of Section 8, Chapter 282, Acts of the Regular Session, 41st Legislature (1929), as amended by Chapter 174, Acts of the Regular Session, 42nd Legislature (1931), and by Chapter 148, Acts of the Regular Session, 45th Legislature (1937), authorizing the amendment of oil and gas leases heretofore issued on University lands, and fixing the primary term of such leases; providing for the extension of the term of such leases in the absence of production by drilling operations thereunder; providing for the payment of shut-in gas well royalty or compensatory royalties on shut-in gas wells and limiting the term thereof; providing that on leases hereafter issued in the absence of production during the primary term, if drilling operations have been commenced prior to the expiration of such term, said leases may be extended upon application therefor and payment of certain stipulated sums for limited periods by such continuous drilling operations; authorizing the Board for Lease of University Lands to promulgate such regulations and to insert such provisions in said leases as it may deem necessary not inconsistent with Chapter 282, Acts of 1929, as amended; declaring the severability in the event of invalidity of any part of this Act; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

S. B. No. 205, A bill to be entitled "An Act authorizing the State Highway Commission and the State Prison Board to enter into contracts for the construction and paving of roads in and around the Texas Prison System; providing that the requirements and

procedures necessary for such contracts and payments therefor shall conform to the Interagency Cooperation Act; providing a repealing clause, but making this Act cumulative of all laws not directly in conflict; and declaring an emergency."

S. B. No. 235, A bill to be entitled "An Act to amend Section 26, Chapter 212, Acts of the 40th Legislature, 1927, and codified as Vernon's Civil Statute Article 6166y, to provide that upon the death, discharge, or escape of a prisoner in the state penitentiary, who has money credited to his account, notice of such fact shall be given to him or to his beneficiary or nearest known relative; providing for payment of such upon valid claim; providing escheat to the state if the funds are not claimed; providing for severability; and declaring an emergency."

(President in the Chair.)

Message from the Governor

The following message received from the Governor was read and was referred to the Secretary of the Senate:

Austin, Texas,
April 25, 1955.

To the Members of the Fifty-fourth Legislature.

I am returning herewith House Bill No. 322 without my approval. This bill sets an arbitrary salary for the Criminal District Attorney of McLennan County to be paid by warrants drawn upon the County Treasury upon the order of the Commissioners Court. It does not give the Commissioners Court any discretion in this matter, nor does it provide a means for the Court to take care of the increase in cost which will be an added burden to the Officers Salary Fund of that County. It does not take into consideration the salaries of other County officials and, in my opinion, salary bills affecting County officials should be a matter of general legislation and not favor any particular individual.

Respectfully submitted,
ALLAN SHIVERS,
Governor of Texas.

House Bill on First Reading

The following bill received from the House today was read the first time and referred to the committee indicated:

H. B. No. 660, To the Committee on State Affairs.

Adjournment

On motion of Senator Hardeman the Senate at 4:10 o'clock p. m. adjourned until 10:30 o'clock a. m. tomorrow.

FIFTY-SECOND DAY

(Wednesday, April 27, 1955)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Moffett
Ashley	Moore
Bracewell	Owen
Colson	Parkhouse
Corbin	Phillips
Fly	Ratliff
Fuller	Roberts
Hardeman	Rogers
Hazlewood	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Lane	Shireman
Latimer	Strauss
Martin	Wagonseller
McDonald	Willis

Absent—Excused

Lock Weinert

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

Our Father, as we return to our work, refreshed by the rest of the night, make us to be still and know that Thou art God. Let wise counsel; calm thinking; and unselfish aims prevail. Teach us how to work in unity and love. For Christ's sake. Amen.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leave of Absence

Senator Weinert was granted leave of absence for today on account of illness in the family on motion of Senator Lane.

Reports of Standing Committees

Senator Kelley submitted the following report: